

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CHARLES RAY SMITH, #484290,

Plaintiff,

File no: 1:21-cv-30

v.

HON. ROBERT J. JONKER

KHRIS NEVINS, et al.,

Defendants.

/

**ORDER APPROVING MAGISTRATE'S  
REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action on January 24, 2023 (ECF No. 38). The Report and Recommendation was duly served on the parties. No objections have been filed under 28 U.S.C. § 636(b)(1)(C).

**ACCORDINGLY, IT IS ORDERED** that the Report and Recommendation of the Magistrate Judge (ECF No. 38) is approved and adopted as the opinion of the Court.

**IT IS FURTHER ORDERED** that Defendants' Motion for Summary Judgment (ECF No. 25) is granted in part and denied in part.

**IT IS FURTHER ORDERED** that Plaintiff's claims for monetary damages against Defendants Nevins, Fidler, and Leavitt in their official capacity are dismissed. In all other respects, Defendants' Motion for Summary Judgment is denied.

Dated: March 27, 2023

/s/ Robert J. Jonker

ROBERT J. JONKER

UNITED STATES DISTRICT JUDGE